IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.546 OF 2003

IN

SUMM.SUIT NO.3667 OF 2002

Uma R.Kapoor .. Plaintiff

versus

Paros Electronics P.Ltd & ors .. Defendants

...

Mr.P.B.Kapadia for Plaintiff.

Ms.Bharti Singh i/b R.K./Midha for Defts.

CORAM : D.G. KARNIK, J

DATED : 14th March 2005.

P.C:-

1. Heard learned counsel for the parties.

2. Learned counsel for the plaintiff hands in the Summons for Judgment showing the acknowledgment signed by the advocate for the defendants on 7th July, 2003 for having received the Summons for Judgment. Learned counsel for the defendants admits receipt of the Summons for Judgment on 7th July, 2003. Despite

passage of more than 1 1/2 years no application for leave to defend the suit is filed nor have the defendants filed any affidavit in reply nor is any other material produced before the court. In the circumstances, the plaintiff is entitled to a decree under order 37 Rule 3 (6) of the Code of Civil Procedure.

3. Learned counsel for the plaintiff hands in the original documents along with a list. The documents are taken on record and collectively marked as Exhibit A.

4. I have perused the plaint and the original documents. The plaintiff lent and advanced to the defendant no.1 a sum of Rs.1,50,000/. The defendant no.1 drew a bill of exchange on the defendant no. 2 and the defendant no.2 accepted the same and signed in token of its acceptance. Signatures on the bills of exchange are not denied by filing any affidavit in reply. The plaintiff demanded money from the defendants by advocate’s notice. Office copies of the notice are filed on record. In the absence of any denial, the plaintiff is entitled to a decree.

5. Learned counsel for the defendants only submits that this court has no jurisdiction to entertain and try the suit since the defendant no.2 resides outside the jurisdiction of this court. The bills were drawn at Mumbai and accepted at Mumbai. Part of cause of action has arisen at Mumbai. The plaintiff has obtained leave under clause 12 of the Letters Patent. No application for revocation of the leave has been made. Hence, defence of jurisdiction has no merit.

6. In the circumstances, Summons for Judgment is made absolute and suit of the plaintiff is decreed as follows :

> " The defendants shall pay to the plaintiff a sum of Rs.1,99,000/- together with interest on the principal sum of Rs.1,50,000/- at 9 % p.a. from the date of the suit till payment and all costs of the suit. "

D.G.KARNIK, J